

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

22 Cr. 194 (EK)

-against- :

NOTICE OF MOTION
FOR OMNIBUS RELIEF

ANTHONY ROMANELLO, et al., :

Defendants. :

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PLEASE TAKE NOTICE that, upon the annexed declaration of Gerald J. McMahon, duly executed on the 6th day of January, 2023, and the accompanying memorandum of law also dated January 6, 2023, defendant Anthony Romanello will move this Court, to be held at Courtroom 6 North, the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, at 11:00 a.m. on February 24, 2023, for an order:

A. Pursuant to Fed. R. Crim. P. (12(b)(3)(A)(ii) and the Due Process Clause of the Fifth Amendment to the United States Constitution, dismissing the indictment because of pre-indictment delay;

B. Pursuant to Fed. R. Crim. P. (12(b)(3)(A)(iv), dismissing the indictment because of selective and vindictive prosecution;

C. Pursuant to Fed. R. Crim. P. (12(b)(3)(A)(v), dismissing the indictment because the evidence presented to the grand jury was not legally sufficient to support an indictment;

D. Pursuant to Fed. R. Crim. P. 14(a), granting defendant Romanello severance from co-defendant Bexheti to allow Romanello to call Bexheti as a witness at his trial;

E. Granting defendant such other and further relief as the Court deems just and proper.

Dated: Scotch Plains, New Jersey
January 6, 2023

A handwritten signature in black ink, appearing to read 'Gerald J. McMahon', written over a horizontal line.

Gerald J. McMahon, Esq.
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cc: The Honorable Eric R. Komitee
United States District Judge
(By ECF & Mail)

All Counsel
(By ECF)